

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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MUSAIB ISMAILOVYCH ISMAILOV and
AKHMED HADZHYIOVYCH BILALOV,

Plaintiffs,

-v-

MYKHAILO SAFARBEKOVYCH
HUTSERIEV, STANISLAV
KOSTIANTYNOVYCH KUZNETSOV, and
PUBLIC JOINT STOCK COMPANY
“SBERBANK OF RUSSIA”,

Defendants.
-----X

Case No: 1:24-cv-03287-AT

**DECLARATION OF JAKE NACHMANI
IN OPPOSITION TO DEFENDANTS’ MOTIONS TO DISMISS
AND THE SBERBANK DEFENDANTS’ MOTION FOR SANCTIONS**

I, JAKE NACHMANI, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am a member of the bars of the State of New York and this Court and a Partner at Seiden Law LLP (“Seiden Law”), attorneys for Plaintiffs Musaib Ismailovych Ismailov (“Ismailov”) and Akhmed Hadzhyiovych Bilalov (“Bilalov”; and together with Ismailov, “Plaintiffs”), in the above-captioned matter against defendants Public Joint Stock Company “Sberbank of Russia” (“Sberbank”), Stanislav Kostiantynovych Kuznetsov (“Kuznetsov”; and together with Sberbank, the “Sberbank Defendants”), and Mykhailo Safarbekovych Hutseriev (“Hutseriev”; collectively with the Sberbank Defendants, “Defendants”).

2. I respectfully submit this declaration to place before the Court documents referenced in Plaintiffs’ accompanying consolidated memorandum of law in opposition to: (i) the

Sberbank Defendants’ motion to dismiss (ECF 52, “Sberbank Motion to Dismiss”); (ii) Hutseriev’s motion (ECF 79, “Hutseriev Motion to Dismiss”); and (iii) the Sberbank Defendants’ motion for sanctions (ECF 69; “Motion for Sanctions”; and collectively as to all of Defendants’ motions, the “Motions”).¹

3. I do not and do not intend to waive any legal advice, litigation, or other privilege by referring to any matters in this declaration.

EXHIBITS

Actual Notice Of This Action

4. Attached hereto as **Exhibit 1** is a true and correct copy of a July 3, 2024 email from opposing counsel Michael Van Riper confirming that Defendants received actual notice of this action pursuant to Plaintiffs’ service, which was done in accordance with the Court’s June 6, 2024 Order (ECF 17).

Plaintiff Musaib Ismailov

5. An I-94 Form, as maintained by the United States Customs and Border Protection (“CBP”), records a foreign national’s most recent date of entry into and departure from the United States.

6. On October 11, 2024, Seiden Law visited the CBP website (<https://i94.cbp.dhs.gov/I94/#/history-search>) to obtain and review Ismailov’s I-94 Form, as maintained by CBP. In conducting this search, Seiden Law relied upon a copy of Ismailov’s Ukrainian passport, which was provided to Seiden Law by Ismailov, and which is annexed as

¹ Capitalized terms not otherwise defined herein have the same meanings as ascribed to them in the First Amended Complaint (ECF 18, “FAC”). Reference to an exhibit’s page number is to the page number of the ECF-filed version of the exhibit, inclusive of its cover page.

Exhibit 1 to the contemporaneously-filed Ismailov Declaration. As a result of this search, Seiden Law determined that Ismailov last arrived in the United States on or about October 29, 2023. Attached hereto as **Exhibit 2** is a true and correct redacted copy of Ismailov's most recent I-94 Form as issued on October 20, 2023 and as reflected on CBP's website as of October 11, 2024.²

7. Attached hereto as **Exhibit 3** is a true and correct redacted copy of Ismailov's I-94 travel history, as reflected on CBP's website as of October 11, 2024. This document reflects the following travel activity by Ismailov:

- a. Arriving in New York City on or about May 31, 2023;
- b. Departing from New York City on or about June 3, 2023;
- c. Arriving in New York City on or about August 12, 2023;
- d. Departing from New York City on or about August 16, 2023;
- e. Arriving in Miami, Florida on or about October 29, 2023; and
- f. Departing from Miami, Florida on or about November 4, 2023.

8. On or about August 16, 2023, Ismailov met with lawyers at Seiden Law and discussed facts relevant to this case. As a result of this August 2023 meeting, Ismailov retained Seiden Law to represent him in the above-captioned matter.

9. Since August 2024 and in connection with Seiden Law's preparing papers in opposition to Defendants' Motions, Seiden Law held numerous telephonic and video meetings with Plaintiffs. As a result of these meetings, Seiden Law re-confirmed the accuracy of the allegations set forth in the FAC and the legal basis for Plaintiffs' seeking to recognize and enforce the Ukrainian Judgment against Defendants in this District.

² Upon the Court's request, Plaintiffs will provide the Court with unredacted versions of any exhibits that have been otherwise redacted.

Public Joint Stock Company “Sberbank of Russia”

10. Attached hereto as **Exhibit 4** is a true and correct copy of Defendant Sberbank’s “About us” page (<https://www.sberbank.com/about>), accessed on November 13, 2024. Exhibit 4 sets forth that Sberbank is the largest bank in Russia and that its principal place of business is located at 19 Vavilova Street, Moscow, Russia 117312.

11. Attached hereto as **Exhibit 5** is a true and correct copy of a press release titled “U.S. Treasury Announces Unprecedented & Expansive Sanctions Against Russia, Imposing Swift and Severe Economic Costs” dated February 24, 2022 from the Department of the Treasury’s Office of Foreign Asset Control (“OFAC”) (<https://home.treasury.gov/news/press-releases/jy0608>). Exhibit 5 sets forth that:

- a. Sberbank is the largest financial institution in Russia, is majority-owned by the Russian government, holds the largest market share of savings deposits in Russia, is the Russian economy’s primary creditor, and is deemed by the Russian government to be a “systematically important financial institution”;
- b. Sberbank maintains correspondent and payable accounts in the United States; and
- c. “Russian financial institutions conduct about \$46 billion worth of foreign exchange transactions globally, 80 percent of which are in U.S. dollars.”

12. Attached hereto as **Exhibit 6** is a true and correct copy of an Investopedia.com article titled “The 5 Biggest Russian Banks” (<https://www.investopedia.com/articles/investing/082015/6-biggest-russian-banks.asp#:~:text=Sberbank's>), updated on August 28, 2024. Exhibit 6 sets forth that Sberbank is the largest bank in Russia, has 107 million customers, accounts for approximately half of Russia’s deposits and credit card accounts, and the Russian government owns over a 50 percent interest in Sberbank.

13. Attached hereto as **Exhibit 7** is a true and correct copy of OFAC’s “Frequently Asked Questions” page, titled “Russian Harmful Foreign Activities Sanctions”

(<https://ofac.treasury.gov/faqs/topic/6626>). Exhibit 7 sets forth that Sberbank and its subsidiaries maintain correspondent accounts in the United States.

14. Attached hereto as **Exhibit 8** is a true and correct copy of a Prnewswire.com report, as provided by The Bank of New York Mellon titled, “BNY Mellon Appointed as Sponsored Depository Bank by Sberbank” (<https://www.prnewswire.com/news-releases/bny-mellon-appointed-as-sponsored-depositary-bank-by-sberbank-124638148.html>), dated June 28, 2011. Exhibit 8 sets forth that Sberbank had been trading Level II American Depositary Receipts (“ADRs”) on the U.S. over-the-counter (“OTC”) markets under the symbol “SBRCY” since 2011.

15. Attached hereto as **Exhibit 9** is a true and correct copy of a Reuters article titled “Getting rid of Russian assets a big problem for U.S. fund managers,” dated March 1, 2022 (<https://www.reuters.com/markets/funds/getting-rid-russian-assets-big-problem-us-fund-managers-2022-03-01/>). Exhibit 9 sets forth that, as of March 1, 2022, ADRs of Sberbank were still trading on U.S. OTC markets.

16. Attached hereto as **Exhibit 10** is a true and correct copy of a Financial Times article titled “Sberbank: the bank trying to shape Russia’s future,” published on September 30, 2018 (<https://www.ft.com/content/3450c840-c0a4-11e8-95b1-d36dfef1b89a>). Exhibit 10 quotes a Sberbank executive stating that Sberbank’s “U.S. shareholders are our best lobbyists,” and that about 20 percent of Sberbank’s shareholders are based in the United States.

17. Attached hereto as **Exhibit 11** is a true and correct copy of a CNN article titled “U.S. lobbying firms rush to cut ties with Russian businesses hit with sanctions,” published on February 26, 2022 (<https://www.cnn.com/2022/02/26/politics/lobbying-firms-russian-businesses-sanctions-invs/index.html>). Exhibit 11 sets forth that Sberbank paid \$800,000 for lobbying in the U.S. since 2017.

18. Attached hereto as **Exhibit 12** is a true and correct copy of the Russian language website Vedomosti.ru article titled “The Bank of Russia begins reform of the payment market,” published August 24, 2021 in its original form, for which a translation is provided by Google Translate (<https://www.vedomosti.ru/finance/articles/2021/08/24/883451-bank-rossii-reformu>). Exhibit 12 sets forth that Sberbank and its subsidiaries provide bank and payment cards to facilitate transactions.

19. Attached hereto as **Exhibit 13** is a true and correct copy of a screenshot from Defendant Sberbank’s website pertaining to Sberbank’s fees for banking services (https://www.sberbank.com/common/img/uploaded/_new_site/person/bank_cards/debet/sbercard_for_foreign_table_static/table/index_en.html). Exhibit 13 sets forth the fees and charges associated with banking at Sberbank, as well as costs associated with international transactions, such as those associated with the United States.

20. Attached hereto as **Exhibit 14** is a true and correct copy of an article from “The Motley Fool” titled “4 of the Most Exclusive Credit Cards in the World – and Their Rumored Benefits,” published on January 30, 2022 (<https://www.fool.com/the-ascent/credit-cards/articles/4-most-exclusive-credit-cards-world-their-rumored-benefits/>). Exhibit 14 sets forth that Sberbank advertises the “Sberbank Infinite Gold Card” to American consumers.

21. Attached hereto as **Exhibit 15** is a true and correct copy of OFAC’s press release titled “Treasury Designates Russian Companies Supporting Sanctions Evasion Through Virtual Asset Services and Technology Procurement” (<https://home.treasury.gov/news/press-releases/jy2204>), published on March 25, 2024. Exhibit 15 lists numerous financial technology companies associated with aiding Sberbank’s attempts to evade OFAC’s prior sanctions. Additionally, because of OFAC’s March 25, 2024 designation, all property of those designated

persons and companies described in the press release that are in the U.S. or in the possession or control of U.S. persons are blocked and must be reported to OFAC. Any entities owned by any individuals or entities listed individually or in the aggregate, own 50 percent or more, are also blocked. Unless authorized specifically by an OFAC specific or general license, OFAC prohibits all transactions with U.S. persons or within the U.S. that involve any property or interests in property of designated or otherwise blocked persons.

22. Attached hereto as **Exhibit 16** is a true and correct copy of Sberbank USA's Bloomberg Markets company profile (<https://www.bloomberg.com/profile/company/0220518D:US>). Exhibit 16 describes Sberbank USA as an investment banking firm, providing integrated financial solutions and investment advisory services to its clients worldwide, including but not limited to corporations, financial institutions, sovereign states, and federal and sub-federal government bodies and organizations.

Russia's Extensive Control Over Sberbank

23. Attached hereto as **Exhibit 17** is a true and correct copy of an elEconomista.es article titled "Putin tells banks to lend more as bad loans rise," published on June 26, 2009 (<https://www.eleconomista.es/empresas-finanzas/noticias/1366872/06/09/Putin-tells-banks-to-lend-more-as-bad-loans-rise.html>). Exhibit 17 sets forth that Putin directed Sberbank to boost Russia's economy in light of Russia's then-recession by providing 16 billion rubles in loans. Putin also ordered Russian banks, including Sberbank, to increase the issuance of loans throughout the year, including loans of 150 billion rubles in July 2009, another 150 billion rubles by September 2009, and another 400 to 500 billion rubles by October 2009.

24. Attached hereto as **Exhibit 18** is a true and correct copy of a Reuters article titled "Russia's Putin tells Sberbank to keep lending," published on July 22, 2009

(<https://www.reuters.com/article/world/russias-putin-tells-sberbank-to-keep-lending-idUSMOS007451/>). Exhibit 18 sets forth that Putin directed Sberbank, Russia’s “largest lender,” to continue growing its loan portfolio and to refrain from closing loss-making branches. Putin is quoted as saying:

- a. “A significant part of the (branch) network is not profitable but you cannot abandon it. This is your payment for the state support”; and
- b. “Of course you need to improve the quality of loans, but you cannot close your portfolio either. It’s very easy to just shut the box, it is harder to work with clients and understand which of them are reliable and have prospects.”

25. Attached hereto as **Exhibit 19** is a true and correct copy of a Reuters article titled “Russian economy may need a decade to return to pre-sanctions levels, Sberbank says,” published on June 17, 2022 (<https://www.reuters.com/markets/europe/russian-economy-may-need-decade-return-pre-sanctions-levels-sberbank-says-2022-06-17/>). Exhibit 19 identifies Sberbank as being considered a “proxy for the Russian economy” as a result of Sberbank “holding the majority of the household deposits and corporate loans.”

26. Attached hereto as **Exhibit 20** is a true and correct copy of an article from the Tass Russian News Agency titled “Putin to meet Sberbank CEO on Tuesday – Kremlin,” published on March 7, 2023 (<https://tass.com/economy/1585651>). Exhibit 20 sets forth that Putin meets and communicates with Gref on behalf of Sberbank “on an ongoing basis” to “deal with Sberbank’s affairs” and that, as a matter of course, Putin routinely receives from Sberbank reports concerning Sberbank’s results and operations.

27. Attached hereto as **Exhibit 21** is a true and correct copy of the Council on Foreign Relations article titled “Russia’s Influence in the Balkans,” updated on November 21, 2023 (<https://www.cfr.org/background/russias-influence-balkans>). Exhibit 21 identifies Sberbank as

being a Russian “state-controlled” firm, a “state bank,” and one of Russia’s “proxies” that Russia directs to “make investments across the [Balkan] region that [the Russian government] calculates will boost its political sway.” Exhibit 21 also sets forth that Russia intentionally uses Sberbank as a proxy to “channel support” and “cultivate influence” because it increases “Russia[’s] leverage ... “while offering the Kremlin deniability.”

28. Attached hereto as **Exhibit 22** is a true and correct copy of The Carnegie Endowment For International Peace article titled “Russia’s Game in the Balkans,” published in January 2019. Exhibit 22 sets forth that, at Russia’s direction, Sberbank purchased financial institutions with assets in Bosnia, Croatia, the Czech Republic, Hungary, Serbia, Slovakia, and Slovenia for the purpose of growing Russia’s “economic footprint” and increasing its “broader political influence.”

29. Attached hereto as **Exhibit 23** is a true and correct copy of a KyivIndependent.com article titled “Russia’s Sberbank reports \$4.32 billion profit, dividends to boost Kremlin war chest,” published April 26, 2024 (<https://kyivindependent.com/reuters-russias-sberbank-announces-4-32bn-profit-dividends-to-boost-kremlin-war-chest/>). Exhibit 23 sets forth that, because Sberbank is owned by Russia, Sberbank’s multi-billion profits would “be used to fund the full-scale invasion of Ukraine” and support Russia’s war effort in Ukraine.

30. Attached hereto as **Exhibit 24** is a true and correct copy of a Reuters article titled “Russia’s Sberbank to make record \$8 bln dividend payout,” published on April 23, 2024 (<https://www.reuters.com/markets/europe/russias-sberbank-make-record-8-bln-dividend-payout-2024-04-23/>). Exhibit 24 sets forth that Sberbank’s “record annual dividend” of over \$8 billion will “make a sizeable contribution to Russia’s budget revenues, ultimately enabling the

government to continue heavy spending, in particular on what it calls its ‘special military operation in Ukraine.’”

31. Attached hereto as **Exhibit 25** is a true and correct copy of a Financial Times article titled “Russia to cash in as Sberbank pays \$8bn in dividends,” published on April 23, 2024 (<https://www.ft.com/content/8eaf2666-050e-4833-977c-8a33d572a811>). Exhibit 25 sets forth that “Half of the payout – Rbs375bn – will flow directly into the Russian budget, as the state owns 50 percent plus one share of Sberbank, boosting the Kremlin’s coffers to fund the war that Vladimir Putin’s regime is waging on Ukraine. The dividend distributed to the state is in line with what the government had planned in its budget for the current year.”

32. Attached hereto as **Exhibit 26** is a true and correct copy of a Financial Times article titled “Russian state banks open branches in eastern Ukraine,” published on September 15, 2024 (<https://www.ft.com/content/3b16f988-fa21-4016-9480-8ec17afe4ae1>). Exhibit 26 sets forth that Putin has directed state companies, including Sberbank, to expand into “occupied regions” of Ukraine and that Sberbank has “begun to heed [Putin’s] call.” Exhibit 26 quotes Putin as ordering financial leaders that “You need to start going into these territories more enthusiastically and start working there.” Further, Exhibit 26 sets forth that, at Putin’s direction, Sberbank has opened “new branches” in the Russian-occupied parts of Ukraine, including “half a dozen ‘mobile offices’ in Mariupol, a city Russian forces razed to the ground in the first months of the invasion, killing tens of thousands of people.”

33. Attached hereto as **Exhibit 27** is a true and correct copy of a Moscow Times article titled “Russia’s Sberbank to Offer Corporate Client Services in Occupied Eastern Ukraine,” published on June 20, 2024 (<https://www.themoscowtimes.com/2024/06/20/russias-sberbank-to-offer-corporate-client-services-in-occupied-eastern-ukraine-a85473>). Exhibit 27 states that in

January 2024, Putin called on Russian banks to be “more proactive” in expanding into occupied regions of Ukraine that the Kremlin refers to as “new territories.”

34. Attached hereto as **Exhibit 28** is a true and correct copy of a Kremlin event transcript titled “Meeting with Sberbank Management Board Chairman German Gref,” published on September 24, 2024 (<http://en.kremlin.ru/events/president/news/75170>). Exhibit 28 quotes Putin stating that: “[Gref] and I speak quite often, I know the bank runs many investment and social projects.” Exhibit 28 also sets forth that Putin ordered Sberbank to invest in various social projects, quoting Gref as saying “Mr. President, you instructed us to open School 21. We have opened schools in Magadan and Anadyr, and they have already opened.”

Sberbank’s Financial Reporting Demonstrates That It Acquired Krasnaya Polyana

35. Attached hereto as **Exhibit 29** is a true and correct copy of Sberbank’s 2012 Annual Report (<https://www.eqs-news.com/company/sberbank/reports/5bb89f89-ea7c-11e8-902f-2c44fd856d8c>). Exhibit 29 sets forth that, as of December 31, 2012, Sberbank owned over 50 percent of Krasnaya Polyana. Ex. 29 at 189, 194, 198.

36. Attached hereto as **Exhibit 30** is a true and correct copy of Sberbank’s 2013 Annual Report (<https://www.eqs-news.com/company/sberbank/reports/5bb89f89-ea7c-11e8-902f-2c44fd856d8c>). Exhibit 30 sets forth that:

- a. As of December 31, 2013, Sberbank had become the owner of 92.1 percent of Krasnaya Polyana, an increase of over 40 percent from the prior year (Ex. 30 at 243);
- b. In April 2013, Sberbank held “Investor Day” meetings in New York to discuss Sberbank’s 2008-2014 investment strategy (Ex. 30 at 43);
- c. In December 2013, Sberbank held strategy and investor meetings with investors from the United States (Ex. 30 at 43);

- d. As of December 31, 2013, Sberbank conducted business in United States, including using “companies of ex-Troika Dialog Group Ltd”. (Ex. 30 at 144); and,
- e. In 2013, Sberbank carried out banking operations in Ukraine, having over a billion U.S. dollars (based on a 2024 conversion rate) in assets there and was a member of the Association of Ukrainian Banks. (Ex. 30 at 23, 133).

37. Attached hereto as **Exhibit 31** is a true and correct copy of Sberbank’s 2014 Annual Report (<https://www.eqs-news.com/company/sberbank/reports/5bb89f89-ea7c-11e8-902f-2c44fd856d8c>). Exhibit 31 sets forth that, in February 2015, Sberbank had signed an agreement to sell its stake in Krasnaya Polyana and that Sberbank expected the sale to close within twelve months of the 2015 Annual Report. Ex. 31 at 118.

38. Attached hereto as **Exhibit 32** is a true and correct copy of Sberbank’s 2015 Annual Report (<https://www.eqs-news.com/company/sberbank/reports/5bb89f89-ea7c-11e8-902f-2c44fd856d8c>). Exhibit 32 sets forth that, in October 2015, Sberbank signed an agreement to sell its 96.914 percent stake in Krasnaya Polyana and that, under that agreement, Sberbank had already received payments for its sale of Krasnaya Polyana. Ex. 32 at 54. Exhibit 32 also sets forth Sberbank’s assets and liabilities attributed to Krasnaya Polyana, reflecting the Company’s asset value as of December 31, 2015 as being 62.6 billion rubles (over \$600 million based on a 2024 conversion rate). Ex. 32 at 55.

Sberbank’s Assets In The S.D.N.Y. And Commercial Activity In The United States

39. Attached hereto as **Exhibit 33** is a true and correct copy of a chart created by Seiden Law that identifies Sberbank’s assets in the Southern District of New York, as described in the following paragraphs 46-52, and as identified from publicly available sources.

40. Attached hereto as **Exhibit 34** is a true and correct copy of the Financial Industry Regulatory Authority’s (“FINRA”) BrokerCheck Report on Sberbank USA that sets forth that:

- a. Sberbank USA's principal place of business was at 152 West 57th Street, 46th Floor, New York, NY 10019, United States (Ex. 34 at 4);
- b. Sberbank USA conducted business and maintained a Manhattan, New York office (Ex. 34 at 4);
- c. Sberbank is a majority shareholder of Sberbank USA and owner of more than 75 percent of Sberbank USA (Ex. 34 at 8).

41. Attached hereto as **Exhibit 35** is a true and correct copy of a Pressreleasepoint.com article titled "Sberbank wins annual Award in Recognition of Outstanding Payment Formatting and Overall Technical Performance in STP Processing," published on June 18, 2009 (<https://www.pressreleasepoint.com/sberbank-wins-annual-award-recognition-outstanding-payment-formatting-and-overall-technical-performa>). Exhibit 35 sets forth that Sberbank maintains an account for processing U.S. dollars with the Bank of New York Mellon, located at 240 Greenwich Street, New York, New York 10286.

42. Attached hereto as **Exhibit 36** is a true and correct copy of a Finextra.com article titled "Deutsche Bank recognizes Sberbank for STP Excellence" (<https://www.finextra.com/pressarticle/47003/deutsche-bank-recognises-sberbank-for-stp-excellence>). Exhibit 36 sets forth that Sberbank maintains an account for processing U.S. dollars with Deutsche Bank, located in New York, New York.

43. Attached hereto as **Exhibit 37** is a true and correct copy of a Globetreasurer.com article titled "Deutsche Bank to Showcase Liquidity Manager at Sibos" (<https://www.theglobaltreasurer.com/2012/10/29/deutsche-bank-to-showcase-liquidity-manager-at-sibos/>). Exhibit 37 sets forth that "Deutsche bank recognizes Sberbank for excellence in formatting payments routed in 2011 through Sberbank's Nostro correspondent accounts with Deutsche Bank Trust Company Americas (USA)." Deutsche Bank Trust Company Americas (USA) is located in New York, New York.

44. Attached hereto as **Exhibit 38** is a true and correct copy of a Orenada-news.com article titled “Sberbank Awarded by Deutsche Bank for STP Excellence,” published on June 10, 2013 (<https://www.oreanda-news.com/en/promyshlennost/article723878/>). Exhibit 38 sets forth that Deutsche Bank had presented Sberbank with an award for “excellence in formatting payments routed through Sberbank’s Nostro correspondent accounts with Deutsche Bank Trust Company Americas (USA).”

45. Attached hereto as **Exhibit 39** is a true and correct copy of the Second Amended Complaint in *Schansman et al. v. Sberbank of Russia PJSC et al.*, 1:19-CV-02985-ALC-GWG (S.D.N.Y.), ECF 156. Exhibit 39 sets forth that Sberbank maintains bank accounts in New York City with JP Morgan Chase Bank, Citibank N.A., Bank of America, the Bank of New York Mellon, and Deutsche Bank. Ex. 39 at 12, ¶¶48-49.

46. Attached hereto as **Exhibit 40** is a true and correct copy of Sberbank’s Answer to the Second Amended Complaint in *Schansman et al. v. Sberbank of Russia PJSC et al.*, 1:19-CV-02985-ALC-GWG (S.D.N.Y.), ECF 226. In Exhibit 40, Sberbank represents that:

- a. Sberbank owns a subsidiary, Sberbank USA, headquartered in New York City and that Sberbank holds correspondent bank accounts in banks with a Manhattan office. Ex. 40 at 12, ¶¶27, 35;
- b. Sberbank maintains correspondent bank accounts with New York City branches of JP Morgan Chase Bank, Citibank, N.A., Bank of America, the Bank of New York Mellon, and Deutsche Bank for the purpose of transferring U.S. dollars. Ex. 40 at 17-18, ¶48.

47. Attached hereto as **Exhibit 41** is a true and correct copy of Sberbank’s notice of claim in *United States of America v. \$1,879,991.64 Previously Contained in Sberbank of Russia’s interbank or correspondent bank account numbers 0004403077 and 0004169401, held at Deutsche Bank Trust Company Americas*, 2:15-cv-6442-WJM-MF (D.N.J.), ECF 4. Exhibit 41 sets forth that Sberbank sought to make a claim to its own property, identifying that property as

being located at Deutsche Bank, in New York (in the above referenced accounts), and states that the “money contained in the Sberbank interbank or correspondent accounts – including the \$1,879,991.64 seized by the United States government – is the property of Sberbank.” Ex. 41 at 2.

48. Attached hereto as **Exhibit 42** is a true and correct copy of Sberbank’s Non-Revolving Loan Facility Agreement No. 5594, dated December 27, 2012. Exhibit 42 sets forth that, in connection with Sberbank’s providing a loan of over nine billion rubles, it was to receive payment in U.S. dollars at its bank account at Bank of New York Mellon, NY, SWIFT IRVT US 3N account no. 30301840800001000014. Ex. 42 at 4.

49. Attached hereto as **Exhibit 43** is a true and correct copy of Sberbank’s Non-revolving Loan Facility Agreement Amendment No. 4, dated September 27, 2013. Exhibit 43 sets forth that, in connection with Sberbank’s providing a loan, it was to receive payment in U.S. dollars at its bank account at Bank of New York Mellon, NY, SWIFT IRVT US 3N account no. 30301840800001000014. Ex. 43 at 3.

50. Attached hereto as **Exhibit 44** is a true and correct copy of Sberbank’s Amicable Agreement in the Arbitration Court of Moscow against Southern Kuzbass Coal Company, Public Joint Stock Company dated August 16, 2019. Exhibit 44 identifies Bank of New York Mellon, NY, SWIFT IRVT US 3N account no. 30301840800001000014 for payments to be made to Sberbank in U.S. dollars. Ex. 44 at 13.

51. Attached hereto as **Exhibit 45** is a true and correct copy of Sberbank USA’s United States Securities and Exchange Commission (“SEC”) Annual Audited Report Form X-17A-5 Part III, processed by the SEC on February 27, 2019. Exhibit 45 sets forth that:

- a. Sberbank USA holds a non-cancelable operating lease for its office premises, extending this lease through June 30, 2028 (Ex. 45 at 10);

- b. As of December 31, 2018, Sberbank USA had assets in total of \$21,221,419.00 (Ex. 45 at 4).

52. Attached hereto as **Exhibit 46** is a true and correct copy of a Consolidated OFAC General License Nos. 8I and 8K, dated April 29, 2024 and October 30, 2024 respectively. Exhibit 46 sets forth that, through November 1, 2024, Sberbank was permitted to conduct transactions with U.S. persons for energy-related transactions (*e.g.*, the extraction, transport or purchase of petroleum) despite the directives under Executive Order 14024.

53. Attached hereto as **Exhibit 47** is a true and correct copy of a Yahoo Finance article titled “US temporarily approves energy transactions with major Russian banks,” published on April 30, 2024 (<https://finance.yahoo.com/news/us-temporarily-approves-energy-transactions-072230879.html>). Exhibit 47 identifies Sberbank as a Russian bank permitted to conduct energy transactions in the U.S. under OFAC General License No. 8I.

54. Attached hereto as **Exhibit 48** is a true and correct copy of a Bloomberg News article titled “Some Russian Banks May Have Swapped Gold for Dollars, Report Says,” published on February 7, 2024 (<https://www.bloomberg.com/news/articles/2024-02-07/some-russian-banks-may-have-swapped-gold-for-dollars-report-says>). Exhibit 48 sets forth that Russian banks have been using gold from the U.A.E. and Turkey, acquired by trading U.S.D., to circumvent sanctions and financial restrictions imposed by the United States.

Courts In The U.S. Have Recently Concluded That Ukrainian Courts Protect Due Process

55. Attached hereto as **Exhibit 49** is a true and correct copy of an order from the 17th Judicial Circuit Court for Broward County, Florida in the matter of *Oksana Shakhova v. Sergiy Pugachov*, Case No. CACE2001398, dated June 9, 2023. In connection with the *Shakhova* plaintiff seeking to domesticate and enforce a Ukrainian Judgment in Florida, Exhibit 49 sets forth that the

Broward County court concluded that the Ukrainian judicial system was fair and impartial and comports with due process. Ex. 49 at 8-9.

Additional Exhibits

56. Attached hereto as **Exhibit 50** is a true and correct copy of Sberbank's 2020 Annual Report (<https://www.eqs-news.com/company/sberbank/reports/5bb89f89-ea7c-11e8-902f-2c44fd856d8c>). Exhibit 50 sets forth that Sberbank has continually conducted business in Ukraine and continues to do so.

57. Attached hereto as **Exhibit 51** is a true and correct copy of Sberbank's 2022 Annual Report (<https://www.eqs-news.com/company/sberbank/reports/5bb89f89-ea7c-11e8-902f-2c44fd856d8c>). Exhibit 51 sets forth that Sberbank has derived substantial revenue from international commerce.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 19, 2024
New York, New York

/s/ Jake Nachmani
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